

REMARKS/ARGUMENTS

Responsive to the Official Action mailed March 16, 2006, applicants have amended the claims of their application in an earnest effort to place this case in condition for allowance. Specifically, claims 11-13 have been cancelled, independent claim 14 amended, and new claims 15-20 added. Reconsideration is respectfully requested.

Applicants note that claims 1-10 have been withdrawn from consideration, and respectfully reserve the right to file one or more divisional applications directed to these non-elected claims.

In an effort to advance prosecution, applicants have cancelled claims 11-13.

In rejecting claim 14 under 35 U.S.C. §102, the Examiner has relied upon U.S. Patent No. 6,114,595, to Moore et al. However, it is respectfully submitted that this reference does not teach or suggest applicants' invention as claimed, and accordingly, reconsideration is respectfully requested.

In accordance with the present invention, modification of the surface topography of the present apertured film is effective to provide completely different functions and performance advantages that do not appear to be possible with the Moore et al. microscopic topsheet pattern.

As recited in pending claim 14, the profiled elements must impart a depth into the cover layer operable to increase separation between the absorbent core, and the skin of a wearer of an absorbent article, effective to provide enhanced prevention of liquids rewetting a surface of the cover layer. The cover layer also must be effective to improve fluid handling and caliper performance, allowing for human exudates to quickly enter the associated absorbent core.

Moore et al. fails to teach or suggest that the microscopic pattern provided on the topsheet has this functional capability and performance. Moreover, applicants have provided experimental data results in the present application demonstrating the significantly improved *rewet performance*, and related performance attributes, of absorbent articles constructed with a cover layer having raised profile elements, as claimed (see Samples A-D), as compared to comparison samples lacking the raised profile elements (Samples E-F; see page 9, line 18, to page 11, line 12; Table 1).

In more detail, Moore et al. describes a sanitary napkin 2 comprising a composite topsheet 25 including a first or body-facing fluid pervious topsheet layer 21, and a second or garment-facing fluid pervious topsheet layer 22, as well as a fluid impervious backsheet 23, and an absorbent core 24 (see Figure 1; column 4, lines 22-34).

Moore et al. indicate that the topsheet layer 21 may comprise an apertured, macroscopically expanded, three-dimensional, fiber-like, fluid pervious polymeric web 40, that is provided generally in accordance with U.S. Patent No. 4,342,314, to Radel et al. (see Figure 3; column 8, lines 14 to column 9, line 15).

Moore et al. also teach that the topsheet web 40 has a microscopic pattern of surface aberrations 60 providing a substantially non-glossy visible surface when the web 40 is struck by incident light rays (column 9, lines 16-22). In this regard, Moore et al. teaches that the microscopic pattern of surface aberrations 60 is provided in accordance with U.S. Patent No. 4,463,045, to Ahr et al. (see column 9, lines 16-22). Applicants respectfully point out that Ahr et al. describe providing a microscopically expanded three-dimensional web (20), with a *"substantially non-glossy visible surface when the visible surface of this web is made to exhibit*

a regularly spaced, microscopic pattern of surface aberrations which are not discernable to the normal naked eye when the perpendicular distance between the observer's eye and the plane of the web is about 12 inches or greater" (see Abstract; column 14, lines 21-27, and 36-37).

Ahr et al. disclose forming the microscopic pattern of surface aberrations by providing a debossing and perforating means (543, 240) (see Figs. 17, 20, and 21; column 18, line 45 to column 19, line 14; column 21, lines 26-68).

To provide the non-glossy, visible surface, Ahr et al. teach that the microscopic surface pattern of aberrations should be provided having average amplitude of 0.2 mils (0.0002 inches) to 0.6 mils (0.0006 inches), and preferably is 0.3 mils (0.0003 inches), as measured perpendicularly from the top of the protuberance to the bottom of a depression, as the case may be, to the plane from which the aberration originates (see column 15, lines 15-44). In view of at least the above, it is readily apparent that Moore et al., including the references that they incorporate by reference, fail to identically disclose the present invention, nor do they suggest the present invention, and unexpected benefits and advantages obtained thereby as demonstrated in the data in the present application.

By this response, new claims 15-18 have been added, based upon applicants' disclosure at page 6, line 16, to page 7, line 1. New claims 19-20 have been added, based on applicants' disclosure at page 8, line 30 to page 9, line 5.

In view of the foregoing, formal allowance of claims 14, and 15-20 is believed to be in order and is respectfully solicited. Should the Examiner wish to speak with applicants' attorneys, they may be reached at the number indicated below.

Application No. 10/798,041
Amendment dated July 17, 2006
Reply to Office Action of March 16, 2006

The Commissioner is hereby authorized to charge any additional fees which may be required in connection with this submission to Deposit Account No. 23-0785.

Respectfully submitted,

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I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage at First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on **July 17, 2006**.


